

SELFMARKS

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Kim Kardashian West, the world-famous reality television star, holds numerous registered trademarks in different forms of her name. Some of these are connected to conventional products such as jewelry or fragrances. Others, however, relate more directly to the core of Kardashian West's *raison d'être*. Under Registration Number 4978865, she provides "advertising services, namely, promoting the brands, goods and services of others; [and] endorsement services, namely, promoting the goods and services of others." Registration Number 4989420 covers her "entertainment services, namely, personal appearances by a celebrity, actress and model."

While she may be "famous for being famous," Kardashian West has now become the apotheosis of American celebrity, and made tens of millions of dollars as a result. According to *Forbes Magazine*, she and her sisters charge an estimated \$200,000 for a single social media post promoting a product or brand. But Kardashian West is only one of the most visible (and wealthiest) of the new celebrities whose cachet bestows a benefit on the products they endorse and earns a profit for themselves. Such individuals may be the professional athletes and performers traditionally seen in this light; today they also might be reality television stars, social media influencers, or self-produced podcasters.

Trademark doctrine often militates against robust protection of name or identity. An enduring default presumption considers surnames unregistrable, for example. Moreover, registered trademarks and assertions of false association under Section 43(a) of the Lanham Act intersect in complex ways with other claims under federal and (especially) state law.

This Article will unpack the existing doctrine concerning the protection of one's own identity as a trademark and consider whether traditional concerns have become outdated and counterproductive because they emerged in a different era. More broadly, it sheds light on the scope and aims of privacy, publicity, and trademark rights, and considers whether making trademark doctrine more welcoming to protection of individual identity may solve some existing problems that span these domains. To ask the question more provocatively: in an era when every person is also a brand, might each of us hold a trademark in our own self?